

VIA FACSIMILE (305) 267-3676

December 16, 2004

Maria de Pedro-Gonzalez
Acting Executive Director
Miami-Dade Development Corporation
7483 S.W. 24th Street
Suite 209
Miami, FL 33155

RE: REQUEST FOR ADVISORY OPINION 04-205

Dear Mrs. De Pedro-Gonzalez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 15, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the application of the two-year rule to your activities if you leave county employment and become permanent Executive Director.

In your letter, you advised the Commission that you are currently on a leave of absence from the Miami-Dade Housing Agency. During your leave, you have served as Executive Director of the Miami-Dade Development Corporation (MDDC). Pursuant to Resolution 903-00, the Miami-Dade Housing Agency was created to maximize the county's ability to secure funding for affordable housing projects. The Miami-Dade Development Corporation has its own Board of Directors, accounting firm and legal representation.

MDDC's projects include the development of the Ward Towers, the development of an assisted living facility and a park and ride service on land owned by Miami-Dade Transit and joint ventures with other not-for profit corporations and economic development corporations.

In most instances MDDC acts as a funding arm for affordable housing projects developed by members of the Board of County Commissioners and the Miami Dade Housing Agency. On those occasions, the projects are funded pursuant to a county resolution. On joint venture projects, the projects are funded through the request for funding process jointly administered by the Miami-Dade Housing Agency (MDHA) and the Office of Community and Economic Development (OCED).

As acting Executive Director of the Corporation, you work closely with the various county agencies involved in the development process including Miami-Dade Housing Agency and the Office of Community and Economic Development (OCED). You also work with commissioners and their staffs regarding proposed projects in their districts.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to serve as Executive Director and meet with county officials regarding Miami-Dade Development Corporation projects. Section 2-11.1(q) (1) provides that " (n)o person who has served as an elected County official, i.e. mayor, County Commissioner or a member of the staff of an elected County official or as County Manager, department director, departmental personnel or employee shall for a period of two years after his or her County service or employment has ceased lobby any County officer, departmental officer or employee on connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination,

contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect."

Section (q)(2) further states that "the provisions of this subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental institutions or entities and who lobby on behalf of such entities in their official capacities."

The Miami-Dade Development Corporation is an instrumentality of Miami-Dade County for purposes of the Conflict of Interest ordinance. MDCC was created by county legislation and primarily serves as a vehicle for funding county-sponsored affordable housing projects. Since the Miami-Dade Development Corporation is a governmental entity, the prohibitions contained in 2-11.1(q) would not apply to your activities as Executive Director of the Miami-Dade Development Corporation.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director

